

## Message Text

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ACTION IO-06

INFO OCT-01 SS-14 ISO-00 NEA-07 ARA-06 EA-06 AF-04  
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C O N F I D E N T I A L GENEVA 2630

LIMDIS

SIL FOR DALE GOOD

IO FOR TOUISSANT AND PALMER

PASS LABOR FOR SAMUES, QUACKENBUSH, AVERY & LINSENMAYER

PASS COMMERCE FOR UPTON

BRASILIA FOR HOROWITZ

E.O.11652: GDS  
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TAGS: ILO, PLAB  
SUBJECT: ILO: MEETING OF COMMITTEE OF EXPERTS ON APPLICATION  
OF CONVENTIONS: MARCH 17-30

REF: GB199/20/11

1. SUMMARY: ONE AREA OF HIGH U.S. INTEREST AT JUNE

SESSION FO INTERNATIONAL LABOR CONFERENCE(ILC) WILL BE THE CONSIDERATION BY THE COMMITTEE ON APPLICATION OF CONVENTIONS OF THE REPORT OF SUBJECT MEETING. THE COMMITTEE OF EXPERTS (COE) REPORT (WHICH WILL NOT BE MADE PUBLIC UNTIL MAY 6) IS REPORTEDLY MORE CRITICAL THAN LAST YEAR OF THE WAY IN WHICH COMMUNIST COUNTRIES APPLY ILO HUMAN RIGHTS CONVENTIONS ON FORCED LABOR, FREEDOM OF ASSOCIATION AND DISCRIMINATION IN EMPLOYMENT. SECRETARIAT MEMBERS HAVE TOLD US PRIVATELY THAT IF WORKER AND EMPLOYER DELEGATES AT THE ILC SUBMIT AFFIDAVITS FROM RECENT REFUGEES FROM EASTERN EUROPEAN COUNTRIES TO THE ILC COMMITTEE ON APPLICATION OF CONVENTIONS, THERE WOULD BE AN EVEN SOUNDER BASIS FOR EXAMINATION OF EE PRACTICES UNDER ILO CONVENTIONS. THE COE ALSO REQUESTED INFORMATION FROM THE GOVERNMENT OF ISRAEL ON ITS PRACTICES UNDER THE CONVENTION ON DISCRIMINATION IN EMPLOYMENT; WE CAN EXPECT THE ARABS WILL TRY TO EXPLOIT THIS REQUEST IN THE ILC. END SUMMARY

2. THE COE MET IN A CLOSED SESSION TO PREPARE ITS REPORT ON THE WAY IN WHICH MEMBER COUNTRIES APPLY ILO CONVENTIONS (COE MEMBERS ARE PROMINENT JURISTS WHO SERVE IN A PERSONAL CAPACITY). ALTHOUGH THE REPORT WILL NOT BE PUBLIC UNTIL MAY 6, GENERAL REMARKS OF THE U.S. MEMBER, PROFESSOR FRANK W. MC CULLOCH (UNIVERSITY OF VIRGINIA LAW SCHOOL), AND OF THE ILO SECRETARIAT INDICATE THAT COE COMMENTS AND OBSERVATIONS ON EASTERN EUROPEAN PRACTICES HAVE BEEN MAINTAINED AND SHARPENED SINCE THE COE REPORT LAST YEAR. THE COE ALSO DIRECTED

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QUESTIONS (IN ITS EXAMINATION OF PRACTICE UNDER THE FREEDOM OF ASSOCIATION CONVENTION) TO NON-COMMUNIST GOVERNMENTS WHO HAVE CREATED LABOR ORGANIZATIONS BY FIAT. ON THE BASIS OF THE USSR REPLY AT THE ILC LAST YEAR TO QUESTIONS ABOUT THEIR IMPLEMENTATION OF CONVENTION 87 (FREEDOM OF ASSOCIATION), THE COE STRENGTHENED ITS CRITICISM OF CONTROL BY THE COMMUNIST PARTY OF LABOR ORGANIZATIONS. THE CZECHS FARED BADLY IN THEIR EXAMINATION UNDER THE CONVENTION ON DISCRIMINATION IN EMPLOYMENT; THE COE NOTED THAT CZECH LAW HAD BEEN AMENDED AND INQUIRED ABOUT THE STATE OF PLAY BEFORE THE AMENDMENTS TO THE EFFECT. THERE WAS NO DIRECT DISCUSSION OF CZECH DISSIDENTS OR THE SPECIFIC CASES RAISED BY THE ICFTU AT THE MARCH SESSION OF THE GOVERNING BODY.

3. BOTH MC CULLOCH AND SECRETARIAT MEMBERS POINTED OUT THAT THE COMMITTEE OF EXPERTS WOULD BE BETTER ABLE TO EXAMINE EE GOVERNMENT PRACTICES UNDER ILO HUMAN RIGHTS CONVENTIONS IF SPECIFIC CASES SUPPORTED BY

AFFIDAVITS FROM RECENT REFUGEES WERE INTRODUCED BY WORKER OR EMPLOYER DELEGATES INTO THE ILC COMMITTEE ON APPLICATION OF CONVENTIONS.

4. EE (USSR AND POLAND) EXPERTS SUFFERED TWO NOTE-WORTHY DEFEATS IN THE DRAFTING OF THE GENERAL STATEMENT IN THE COE REPORT. THE REPORT FLATLY STATES THAT ILO CONVENTIONS MUST BE APPLIED UNIVERSALLY AND WITHOUT REGARD FOR THE ECONOMIC/SOCIAL SYSTEMS OF RATIFYING COUNTRIES. THE SECOND DEFEAT WAS THE REJECTION OF A EE PROPOSAL THAT REVIEW OF NATIONAL PRACTICES IN PREPARATION FOR THE ANNUAL COE SESSION BE DONE BY WORKING PARTIES COMPOSED OF COE MEMBERS (THE TROIKA CONCEPT); THE COE REAFFIRMED ITS PRESENT PRACTICE OF ASSIGNING GROUPS OF CONVENTIONS TO ITS INDIVIDUAL MEMBERS. EE MEMBERS OF THE COE HAVE MADE SIMILAR PROPOSALS FROM TIME TO TIME SINCE THEY ENTERED THE ILO IN 1954; BOTH  
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PROPOSALS REPRESENT IMPORTANT COMMUNIST OBJECTIVES IN ILO.

5. THE COE ASKED FOR FURTHER FACTUAL INFORMATION FROM THE GOVERNMENT OF ISRAEL CONCERNING ITS LAW AND PRACTICE UNDER CONVENTION 111 (DISCRIMINATION IN EMPLOYMENT). THE QUESTIONS WERE BASED ON INFORMATION I REFDOC WHICH WAS PART OF THE ILO DIRECTOR GENERAL'S "FOLLOW-UP" TO THE 1974 ILC RESOLUTION CONDEMNING THE GOI FOR VIOLATION OF TRADE UNION RIGHTS IN THE OCCUPIED TERRITORIES.

6. COMMENT: THE FULL TEXT OF THE COE REPORT WILL TELL US WITH GREATER CERTAINTY, BUT WE EXPECT THE ARABS TO TAKE ADVANTAGE OF THE "FACTUAL" QUESTIONS PUT TO THE GOI BY THE COE; THE ARABS COULD REFER TO THESE QUESTIONS IN THE ILC COMMITTEE ON APPLICATION OF CONVENTIONS, IN THE PLENARY DEBATE ON THE DIRECTOR GENERAL'S REPORT, OR IN THE DISCUSSION OF THE DG'S REPORT OF THE DECISION BY THE GOVERNING BODY IN MARCH TO CLOSE THE BOOK ON HIS FOLLOW-UP TO THE 74 RESOLUTION.

7. ANOTHER NOTEWORTHY DEVELOPMENT IS THE BROAD HINTS OF KEY MEMBERS OF THE ILO SECRETARIAT CONCERNED WITH THE COE AND THE ILC COMMITTEE ON APPLICATION OF CONVENTIONS, THAT DISSIDENT AND REFUGEE AFFIDAVITS WOULD PROVIDE A SOUND BASIS FOR THEIR WORK. THIS ATTITUDE IS A CHANGE FROM LAST YEAR AND WE BELIEVE REFLECTS THE IMPACT OF THE U.S. AND IMEC COMMITMENT TO REVERSE THE TREND TOWARD SELECTIVE APPLICATION OF ITS CONVENTIONS BY ILO. END COMMENT

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## Message Attributes

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